

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C) .No. 16362 of 2007 (W)

PETITIONERS:

1. VAISAKHAN, S.G., S/O.SASIKUMAR,
MARIAMOUNT, EDACODE, NEMON P.O.
2. SREEKALA, P., D/O.PRABHAKARAN,
22/241, ILAMKATHUVILA PUTHEN VEEDU,
RAMESWARAM, NEYYATTINKARA VILLAGE.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

1. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.
2. DY. SUPDT. OF POLICE, NEYYATTINKARA.
3. SUB INSPECTOR OF POLICE, NEYYATTINKARA.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16362 of 2007

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Dated this the 30th day of May, 2007

J U D G M E N T

Petitioners' vehicles bearing registration Nos.KL-01-P-8796 and KL-01-M 8775 were seized by the police on allegation of transport of river sand illegally. The petitioners deny the allegation and submit that the vehicles were never involved in the transportation of sand illegally. According to the petitioners, sand loaded in the vehicles was brought from Tamil Nadu and hence they have not committed any offence under the Kerala Protection of River Banks and Regulation of Removal of Sand Act. Petitioners seek interim custody of the vehicle pending final orders to be passed by the 1st respondent under the Kerala Protection of River Banks & Regulation of Removal of Sand Act and Rules.

2. I have heard the learned counsel for the

petitioners as also the learned Government Pleader.

3. In the facts and circumstances of the case, there would be a direction to the 1st respondent to release the vehicles belonging to the petitioners on their furnishing bank guarantee for an amount of Rs.25,000/- each which would be the maximum amounts payable by the petitioners, if they are found guilty, and producing proof of ownership of the vehicles. However, the petitioners shall not alienate or otherwise part with possession of the vehicle until final orders are passed by the 1st respondent.

Writ petition is disposed of as above.

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S.SIRI JAGAN, JUDGE